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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/757,106	01/14/2004	William James Greene	60268 (50326)	2944
21874 7590 09/19/2007 EDWARDS ANGELL PALMER & DODGE LLP P.O. BOX 55874 BOSTON, MA 02205			EXAMINER POINVIL, FRANTZY	
			ART UNIT 3692	PAPER NUMBER
			MAIL DATE 09/19/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/757,106

Applicant(s)

GREENE ET AL.

Examiner

Frantzy Poinvil

Art Unit

3692

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hartz, Jr. et al. (US Patent No. 6,636,803) considered with Stewart et al (US Patent No. 6,259,405).

As per claims 1 and 10, Hartz, Jr. et al disclose a real-estate information search and retrieval system. The system and method comprise storage for storing characteristic data corresponding to the characteristics of real estate in a system server, allowing a user to access the system server to obtain stored characteristic data from the server, the user providing a search criteria for selecting specific real estate having specific characteristic data and selecting specific franchise real estate having the specific characteristic data. See column 5, lines 43-60 and column 6, line 49 to column 7, line 27. Hartz, Jr. et al also teach providing demographic information corresponding to the selected real estate property. Applicant is directed to column 7, lines 29-40 and column 11, lines 15-20 and column 12, lines 3-11 of Hartz, Jr. et al. Hartz, Jr. et al do not specifically state the real estate properties are franchise real estate property. As per this difference, it is well known in the art that real estate agents/brokers usually search for franchise real estate properties for clients. Furthermore, Stewart et al disclose a system for allowing a user

to search for service providers at a specific geographical location. See the abstract. In so doing, Stewart et al. state:

“a McDonalds franchise may be looking for a new store location in a city or a new store location within an airport or hotel. The McDonalds franchise may be interested in demographic data for different areas of the region of interest. This data may include demographic charts taken every hour, for example, which show the number, sex, ages, etc. of MUs at each access point at the different times. This demographic data may be compiled and presented in a variety of graphic formats. The information provider may also query the MUs that communicate with a specific access point (or all access points), asking each MU, "would you buy a BIG MAC right now if McDonalds was less than 3 blocks away?" This information may be compiled by the information provider and sold to McDonalds to aid in the determination of the best store location. MUs that answer such surveys may be rewarded with a digital coupon that allows them to buy BIG MACs for \$0.99 for the next six months. MUs may also have the option to configure their PCDs to not accept unsolicited surveys.”.

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to also allow searching of franchise real estate properties in order to make the system more attractive to different types of clients which would have been also financially advantageous to the agents/brokers of the Hartz Jr. et al. Thus, one would have been motivated to incorporate franchise real estate data as taught by Stewart et al into Hartz, Jr. et al because of its financial advantages.

As per claims 2, 3, 6, 11 and 12, Hartz, Jr. et al do not explicitly state the server provides the demographic data by linking the user to a third party data source having the demographic information. Stewart et al disclose that in their system a user may access a third party to access demographic information related to a specific geographical area. Thus, linking the user to obtain such information would have been obvious to one of ordinary skill in the art since the system of Hartz Jr. et al and Stewart are both Internet based systems and there are available third parties which provide demographic information. Providing a link to a third party user would have been an alternate measure of obtaining the latest updated information since it is the job of those types of providers of demographic data to always provide a more up to date information. Once these information are obtained, the user would have stored these information for easy analysis at his/her leisure.

As per claims 4 and 13, see column 4, lines 39-65 of Hartz, Jr. et al.

As per claims 5 and 14, see column 7, lines 29-41 of Hartz, Jr. et al.

As per claim 7, it is well known that real estate agents/brokers usually use their clients' desired real estate characteristics data to be applied or for matching against their database having stored characteristic data regarding a plurality types of certain property desired by their clients. The clients desired data can also be stored. See the teachings of Hartz et al.


As per claims 8-9 and 15-16, the price of the real estate property combined with other factors may determine the property tax. Third parties of the system of Stewart et al do provide these information.

Conclusion

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frantzy Poinvil whose telephone number is (571) 272-6797. The examiner can normally be reached on Monday-Thursday from 7:00AM to 5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kambiz Abdi can be reached on (571) 272-6702. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Frantzy Poinvil
Primary Examiner
Art Unit 3692